

REMARKS

Claims 37-44 are all the claims pending in the application, claims 1-36 having been cancelled and claims 37-44 having been added, as indicated herein.

In the Office Action dated August 19, 2005, claims 8, 17, 23, and 25 are objected to for the reasons set forth on page 2 of the Office Action. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent No. 6,921,163. Claim 10 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.¹ Claims 1, 2, 16, 17, 21, 23, and 27 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Endo (JP 2000-318870). Claims 6-8, 10, and 11 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fukuda (U.S. Patent No. 6,604,820). Claims 24-25 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Juan (U.S. Patent No. 6,234,472).

As indicated above, claims 2-27 are cancelled, so the rejections of and objections to these claims are moot.

With respect to independent claim 1 and new independent claim 37, Applicants submit that the prior art does not disclose or suggest at least, “a sucking force provided by the suction ports to the medium is controllable in accordance with a property of the medium,” as recited in new claim 37.

¹ The Examiner actually indicates that claim 19 is rejected under 35 U.S.C. § 112, second paragraph, however Applicants believe that the Examiner intended to indicate that claim 10 is rejected under 35 U.S.C. § 112, second paragraph as claim 10, not claim 19, recites “multi-step”.

Claims 38-44 are patentable at least by virtue of their respective indirect or direct dependencies from independent claim 37.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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